

CHAPTER NO. 634

HOUSE BILL NO. 2679

By Representatives Davidson, Kerr, Montgomery, Sharp, Maddox, Wood, Boyer, Towns, Sargent, Hagood, Ferguson, Walker, Pruitt

Substituted for: Senate Bill No. 2576

By Senators Womack, Williams, Burks

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to "zero tolerance" and student suspensions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-4216, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)(1) It is the legislative intent that any rule or policy designated as a zero tolerance policy means that violations of that rule or policy will not be tolerated, and that violators will receive certain, swift, and reasoned punishment. Reasoned punishment may include a spectrum of disciplinary measures designed to correct student misbehavior and promote student respect and compliance with codes of conduct and board policies. A zero tolerance violation shall not necessarily result in a presumptive one (1) calendar year expulsion except for those types of student misconduct set forth in Section 49-6-3401(g). It is the legislative intent that the local school boards shall retain responsibility for development of disciplinary policies and student codes of conduct including assurances that students are afforded fair due process procedures. Nothing in this section shall be construed to prohibit assignment to alternative school for those students under suspension or expulsion including students engaging in misconduct set forth in Section 49-6-3401(g).

(2) Nothing in this section shall be construed to alter, diminish, or supersede the director's or superintendent's authority to modify expulsion on a case-by-case basis under Section 49-6-3401(g).

SECTION 2. Tennessee Code Annotated, Section 49-6-4018, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 49-6-3401(g), is amended by deleting the section in its entirety and by substituting instead the following:

(g) Notwithstanding the foregoing or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director or superintendent may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing battery upon any teacher, principal, administrator, any other employee of a local education agency or school resource officer or unlawfully possessing any drug including any controlled substance as defined in Tennessee Code Annotated, §§ 39-17-403 through 39-17-415, or legend drug as defined by Tennessee Code Annotated, Section 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director or superintendent may modify this

expulsion on a case-by-case basis. For purposes of this subsection, "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy.


SECTION 4. This act shall take effect July 1, 2000, the public welfare requiring it.

PASSED: March 20, 2000


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 5th day of April 2000


DON SUNDQUIST, GOVERNOR